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Notice of Allowability	Application No.	Applicant(s)	
	09/670,012	NAKA, TAKAFUMI	
	Examiner	Art Unit	
	James A. Thompson	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 22 April 2005.
2. ☒ The allowed claim(s) is/are 1-13.
3. ☒ The drawings filed on 21 July 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Response to Amendment

1. Since the amendments to the claims are merely minor corrections, the amendments are entered.

Response to Arguments

2. Applicant's arguments, see page 7, line 2 to page 11, line 4, filed 22 April 2005, with respect to the rejections of claims 1-13 under 35 USC §103(a) have been fully considered and are persuasive. The rejections of claims 1-13 under 35 USC §103(a) discussed on pages 4-14 of the previous office action, dated 07 February 2005, have been withdrawn.

Examiner agrees with Applicant's interpretation of Kimura (US Patent 5,721,626) as applied to the primary reference, Aoyama (US Patent 5,796,865). Further, Examiner has not found in the prior art a reference which teaches each and every limitation of independent claims 1, 5 and 10, nor has Examiner found references which would render independent claims 1, 5 and 10 obvious to one of ordinary skill in the art at the time of the invention. Therefore, the claims 1-13 are deemed to patentably distinguish over the prior art.

3. Applicant's arguments, see page 11, line 5 to page 12, line 3, filed 22 April 2005 have been fully considered but they are not persuasive.

While it is true that the teachings of Aoyama and Lazzouni (US Patent 5,652,412) operate in different frequency ranges, the application of the Lazzouni reference would clearly have given motivation to one of ordinary skill in the art to modify the teachings of Aoyama such that the system of Aoyama operates in the spectrum visible to human beings, rather than in the x-ray

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or other radiation spectrum. Thus, it would not be possible to combine Lazzouni with Aoyama. The modification of Aoyama would merely require a change in size of various elements such as the stimuable phosphor elements, and the size of the optical sensors and emitters, among others. One of ordinary skill in the art at the time of the invention would understand the basic concepts of wavelength and bandwidth, and would thus be able to alter the components by relative sizing factors based on the wavelength and bandwidth such that visible light could be used, as taught by Lazzouni. This modification of Aoyama is simply part of the operations that would have been required of one of ordinary skill in the art in order to combine the teachings of Lazzouni with the teachings of Aoyama to produce a system based on the combination of references.

However, since the independent claims are already deemed allowable over the prior art for the reasons detailed above in item 2, claims 5-8 are allowed.

Allowable Subject Matter

4. Claims 1-13 are allowed.

The following is an examiner's statement of reasons for allowance: Claims 1-13 are allowed for the reasons detailed above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Thompson
Examiner
Art Unit 2624

JAT
03 May 2004



THOMAS D.
~~THOMAS~~ LEE
PRIMARY EXAMINER